

## PATENT COOPERATION TREATY

PCT Rec'd PCT/PTO

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT  
(PCT Article 36 and Rule 70)

REC'D 11 OCT 2004
WIPO PCT

Applicant's or agent's file reference NC 32036 PCT - Wa/s	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/B 02/02519	International filing date (day/month/year) 01.07.2002	Priority date (day/month/year) 01.07.2002
International Patent Classification (IPC) or both national classification and IPC H04L12/56		
Applicant NOKIA CORPORATION et al		

1. This International preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
  
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
  - This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.
  
3. This report contains indications relating to the following items:
  - I  Basis of the opinion
  - II  Priority
  - III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV  Lack of unity of invention
  - V  Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI  Certain documents cited
  - VII  Certain defects in the international application
  - VIII  Certain observations on the international application

Date of submission of the demand 27.01.2004	Date of completion of this report 08.10.2004
Name and mailing address of the International preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Roberti, V Telephone No. +49 89 2399-7990



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/IB 02/02519

**I. Basis of the report**

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-10 as originally filed

**Claims, Numbers**

1-17 as originally filed

**Drawings, Sheets**

1/2-2/2 as originally filed

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/IB 02/02519

5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).  
*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*
6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	2-17
	No: Claims	1
Inventive step (IS)	Yes: Claims	
	No: Claims	1-17
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB 02/02519

**Concerning section V:**

1. Reference is made to the following documents:

D1: WO-A-01/74011  
D2: EP-A-1 024 628

2. **Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability.**

- 2.1 Document D1 (see page 4, line 10 to page 6, line 19, and page 8, line 21 to page 9, line 20) discloses, according to all the features of claim 1, a method for establishing a connection from a mobile device to a second device both provided with a short range wireless communications module (see page 8, lines 21 to 24), comprising the steps of determining the present environment of the mobile device (see page 6, lines 7 to 19), determining an address of the second device in dependence on the present environment (see page 5, lines 12 to 16, page 8, lines 26 to 29 and page 9, lines 18 to 20) and setting up the connection to the second device using the determined address (see page 5, lines 16 to 18, and page 8, lines 21 to 29).

Thus the subject-matter of independent claim 1 is not novel (see Article 33(1) and(2) PCT).

For the sake of completeness, it should be noted that such a method is also anticipated in D2 (see claims 1-11).

- 2.2 Furthermore, even if the applicant were to interpret claim 1 in such a manner as to enable him to allege that its subject-matter is novel, the subject-matter of claim 1 would still not involve an inventive step (Article 33(3) PCT), considering that D1 aims at the same object and essentially provides the same solution as the present application.
- 2.3 The dependent claims 2 to 17 do not add anything of inventive significance to claim 1, as the additional features introduced by said dependent claims refer only to minor implementing details which are known or directly derivable from the cited prior art references D1 and D2, or fall within the general knowledge or technical competence

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB 02/02519

of a person skilled in the art, each acting in a normal and unsurprising way, and not combining to yield any unexpected or surprising advantageous result.

Therefore, defendant claims 2 to 17 do not meet the requirements of article 33(3) PCT.

**3. General remarks concerning clarity of the claims as well as the form and contents of the application.**

- Claim 17 does not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined (see wording "current user context"). Therefore necessary technical features should be added (see description, page 10, lines 33 to 36).
- In order to meet the requirements of Rule 5.1(a)(ii) PCT, the relevant prior art, i.e. document D1 noted above, should have been acknowledged by reference and briefly discussed in the introductory part of the description, preferably in such a way that the inventive merit of what is claimed can be readily understood.
- All the claims should have included reference signs in parentheses where features shown in the drawings are referred to (Rule 6.2(b) PCT).